RESOLUTION NO. 2004-280

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING ENGINEER'S REPORT DATED DECEMBER 2004, CONFIRMING THE
ASSESSMENTS, OVERRULING PROTESTS AND DECLARING ASSESSMENT
BALLOTS RESULTS AND ANNEXING TERRITORY TO A MAINTENANCE
ASSESSMENT DISTRICT AND FORMING ZONE 7

WOODLAKE MEADOW ZONE 7

LODI CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1 (Landscaping and Lighting Act of 1972)

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

- 1. On October 20, 2004, this Council adopted A Resolution of Intention to annex territory to a maintenance assessment district, to form a zone and to levy and collect assessments and a Resolution of Preliminary Determination and in them directed the Engineer to make and file a Report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972 (the Act) in and for the City's proposed Woodlake Meadow Zone 7 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.
- 2. The Report was made and filed and the Report was considered by this Council and found to be sufficient in every particular, whereupon it was determined that the Report be and it was preliminarily approved for all subsequent proceedings under and pursuant to the Resolution of Intention.
- 3. The City Council provided for the giving of Notice of the Public Hearing setting Wednesday, December 15, 2004, at the hour of 7:00 p.m., in the meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time for the Public Hearing to take testimony and for hearing protests in relation to the proposed assessment, the annexation of territory to the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, the formation of Zone 7 the maintenance of the improvements thereof, the property owner assessment ballot procedure required by Article XIII D of the California Constitution and final action upon the Engineer's Report.
- 4. The City Clerk has filed with the City Council a Certificate setting forth the time and manner of the compliance with the requirements of law for mailing and/or delivery of Notices of the time and place for said Public Hearing and the Notice of the property owner assessment ballot procedure required by Article XIIID of the California Constitution (together with the property owner assessment ballots) and the Council hereby finds that the Notice of the time and place for said Public Hearing thereon and Notice of the property owner assessment ballot procedure required by Article XIIID of the California Constitution (together with the property owner assessment ballots) has been mailed in the time, form, and manner required by law and further that written Wavier and Consents have been filed in regard to certain of these proceedings.

- 5. On December 15, 2004, prior to the public hearing the Engineer filed with the City Clerk its corrected Engineer's Report.
- 6. On December 15, 2004, at the time and place as set forth in Resolution 2004-216 the City Council held the Public Hearing and duly heard all interested parties desiring to be heard.
- 7. In accordance with Resolution No. 2004-216 and Article XIIID of the California Constitution, property owner assessment ballots were provided to all of the property owners in said territory to be annexed and at the close of the Public Hearing, the Clerk, the impartial person designated by the Council, tabulated the assessment ballots submitted and not withdrawn and found that the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment did not exceed assessment ballots submitted and not withdrawn in favor, weighing those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcels for which an assessment ballot was submitted and the Council so found.
- 8. The City Council finds that any and all protests against the proposed assessment, maintenance of the improvements, or against the annexation of territory to Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 or the formation of Zone 7 or the extent thereof or against the engineer's estimate of costs and expenses, in whole or as to any part, or against the diagram and descriptions in whole or in part (specifically all written protests not withdrawn in writing before the conclusion of the protest hearing) are made by the owners of less that one-half of the area of the land to be assessed. The City Council hereby overrules each of these protests, written and oral.
- 9. The City has caused the distribution of assessment ballots, a summary of the procedures applicable to the completion, return, and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being imposed. The City hereby finds and declares that the ballot measure has been submitted to the voters of land within the territory to be annexed and after the tabulation of the assessment ballots submitted and not withdrawn, that no majority protest against the assessment existed because the assessment ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment. In tabulating the ballots, they were weighted according to the proportional financial obligation of the affected properties.
- 10. The City Council hereby approves the Engineer's Report dated December 2004 and each component part of it, including each Exhibit incorporated by reference in the Report. Reference is made to the Report for a full and detailed description of the improvements to be maintained, the boundaries of the territory to be annexed, Zone 7 and the Assessments.
- 11. The City Council hereby confirms the Assessment, Assessment Roll, and the Diagrams as now on file with it, and declares the Engineer's Report and said Diagrams, Assessment, and Assessment Roll as contained therein are hereby adopted and confirmed.

- 12. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the Public Hearing, this Council expressly finds and determines that as to Zone 7:
 - (a) Each of the several subdivisions of land in the territory to be annexed will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the subdivisions of land, respectively; and
 - (b) there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the finding and determination as to special benefits.
- 13. The City Council determines and orders the territory described in the Engineer's Report be annexed to Lodi Consolidated Landscape Maintenance Assessment District, that Zone 7 be formed and shall be known as Woodlake Meadow Zone 7, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.
- 14. This Council hereby orders that the improvements described in the Resolution of Intention be maintained, the formula and method of assessment to be used to pay the annual costs and expenses of the maintenance be confirmed, that the maximum annual assessment is established and is hereby ordered and confirmed as follows:

Zone 7 in the amount of \$173.00 per dwelling unit equivalent Factor (dueF) per year

- 15. The City Council finds, determines, and orders that the maximum annual assessments set forth in Paragraph 14 of this resolution shall be annually increased in an amount equal to the greater of: 1) five percent (5%) or (2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for all Urban Consumers as developed by the U. S. Bureau of Labor Statistics for a similar period of time.
- 16. The City Council finds, determines, and orders that for the 2004-2005 Fiscal Year there is hereby levied on each parcel in Zone 7 an actual assessment amount of \$73.00 per dueF as detailed in the Engineer's Report and Assessment Roll contained therein.
- 17. The City Council hereby directs the City Clerk to comply with Section 22641 of the Streets and Highways Code. The County Auditor/Controller is requested to comply with the provisions of Section 22645 of the Streets and Highways Code in the collection of installments for taxes when levied by this Council.
 - 18. This resolution shall take effect immediately upon its passage.

Dated:	December 15, 2004

I hereby certify that Resolution No. 2004-280 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 15, 2004, by the following vote:

AYES:

COUNCIL MEMBERS - Hansen, Hitchcock, Johnson, Mounce,

and Mayor Beckman

NOES:

COUNCIL MEMBERS - None

ABSENT:

COUNCIL MEMBERS - None

ABSTAIN:

COUNCIL MEMBERS - None

SUSAN J. BLACKSTON

City Clerk

ENGINEER'S REPORT WOODLAKE MEADOW ZONE 7 LODI CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1 (PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972) CITY OF LODI

FISCAL YEAR 2004-2005

PREPARED BY:

Thompson-Hysell Engineers, a division of The Keith Companies, Inc. 1016 12th Street Modesto, CA 95354

DECEMBER 2004

ANNUAL ENGINEER'S REPORT FOR THE 2004-2005 FISCAL YEAR

WOODLAKE MEADOW ZONE 7 LODI CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1 CITY OF LODI

(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed annual report as directed by the City Council.
DATED: December 6, 2004. Thompson-Hysell Engineers Engineer of Work BY: Michael T. Persak RCE 44908
I HEREBY CERTIFY that the enclosed Annual Engineer's Report, together with Boundary Map, Assessment, and Assessment Diagram thereto attached, was filed with me on the day of, 2004.
, City Clerk, City of Lodi San Joaquin County, California
BY:
I HEREBY CERTIFY that the enclosed Annual Engineer's Report together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Lodi, California on the day of, 2004.
, City Clerk, City of Lodi San Joaquin County, California
BY:
I HEREBY CERTIFY that the enclosed Annual Engineer's Report together with Assessment and Assessment Diagram thereto attached, was filed with the Auditor of the County of San Joaquin on the day of
, City Clerk, City of Lodi San Joaquin County, California

The Honorable Mayor and City Council of The City of Lodi, CA

To Whom It May Concern:

This report is prepared pursuant to and in compliance with the requirements of the "Landscaping and Lighting Act of 1972," as amended, commencing with the Streets and Highways code sections 22500, et seq. for the creation of a new zone (Woodlake Meadow Zone 7) in the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

BACKGROUND

The Woodlake Meadow zone consists of a 5-lot residential development located in the northwestern portion of the City of Lodi. The development is being pursued by Woodlake Meadow, LLC. This report is relative to the proposed Woodlake Meadow Zone 7 Landscape Maintenance District of the City of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, which provides annual funds for the maintenance of various public landscape improvements.

PHASED DEVELOPMENT

The Woodlake Meadow Zone 7 development is currently anticipated to be constructed in a single phase. Annually, the additional public amenity improvements and the additional developed areas, if any, shall be identified. The costs of the maintenance of the new improvements, if any, shall be added to and included in the next annual landscape maintenance budget. These amounts for the additional improvements were accounted for in determining the maximum annual assessment (see Exhibit A). The Woodlake Meadow Zone 7 project, when completed, will include 5 dueF's.

ASSESSMENT DISTRICT AREA

The area of Woodlake Meadow Zone 7 is described as all of the property within the following assessor's parcel identified by assessor's number (APN):

<u>Book</u>	<u>Page</u>	<u>Parcel</u>
015	230	09

A boundary map is attached to this Engineer's Report as Exhibit B. The assessment diagrams for the Woodlake Meadow Zone 7 Landscape Maintenance District are attached to the Engineer's Report as Exhibit C. Sheet 1 of the assessment diagrams is a simple overall boundary map. Sheet 2 is the County Assessor's map and is incorporated in, and made a part of, the assessment diagram. PLANS AND SPECIFICATIONS

Engineer's Report Woodlake Meadow Zone 7 Page 2 of 6 December 6, 2004

As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Woodlake Meadow Zone 7 Landscape Maintenance District shall be filed with the City of Lodi and will be incorporated into this report by reference.

DESCRIPTION OF AREAS TO BE MAINTAINED

The Woodlake Meadow Zone 7 Landscape Maintenance District is created to provide funding for the continued maintenance of the public areas described below. During the installation period for each phase, the installer of the improvements will maintain the new improvements until the following June 30, or until such time as funds are available for maintenance, at which time the new areas shall be incorporated into the areas already being maintained by the District.

The following improvements shall be included in the District upon their completion.

1. Description of Improvements for Future Development

A. Public park land area of 0.0468 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per 1000 persons served.

ALLOCATION OF COSTS

Assessments for the Woodlake Meadow Zone 7 Landscape Maintenance District are apportioned in a manner intended to fairly distribute the amounts among all assessable developed parcels in proportion to the estimated benefits to be received by each such parcel. A parcel is considered as being developed by reason of having been included as a lot or parcel in the Zone 7 recorded Final Map or being included within the active developed area in the case of an existing parcel. The criteria for apportioning the costs for the maintenance makes use of a dwelling unit equivalent Factor (dueF) to calculate the benefit for all uses in terms of equivalent dwelling units. The terms, definitions, and procedures followed to develop the annual assessment are as follows:

1. Dwelling Unit Equivalent Factor (dueF)

The dueF for each use is as follows:

A. Single-Family Residential

All parcels determined to be developed for single-family use shall have a dueF of 1.0 for each parcel. Parcels designated for duplex use will be assigned a dueF of 2.0.

B. Multiple-Family Residential

All parcels determined to be developed for multiple-family residential, other than duplex or triplex uses, shall have a dueF of 5.0 per acre for each parcel, in general representative of the approximate single-family yield if the area were developed for that use.

Engineer's Report Woodlake Meadow Zone 7 Page 3 of 6 December 6, 2004

C. Commercial/Office

All parcels determined to be developed for commercial or office use shall have the dueF factor calculated as follows:

5 dueF per acre for the first 7.5 acres

2.5 dueF per acre for the next 7.5 acres

1.25 dueF per acre for all acreage over 15 acres.

D. Other Uses

All parcels determined to have uses other than identified above shall have a dueF established at the time of the first annual budget affecting such areas as determined by the Engineer or other officer appointed by the City of Lodi to prepare the annual cost spread. The determined dueF shall follow the character of the factors assigned above as nearly as practicable, but the determination shall be the sole responsibility of the appointed party and the City of Lodi.

E. Zero Dwelling Unit Equivalent Factor (dueF)

Certain parcels, by reason of use, size, shape, or state of development, may be assigned a zero dueF which will consequently result in a zero assessment for that fiscal year. All parcels having such a zero dueF for the previous fiscal year shall annually be reconsidered to determine if the reason for assigning the zero dueF is still valid for the next fiscal year. Parcels which may be expected to have a zero dueF assigned are typically parcels which are all, or nearly all, publicly landscaped, parcels in public ownership, parcels owned by a public utility company and/or used for public utilities, public parks, public schools, and remainder parcels too small or narrow for reasonable residential or commercial use, unless actually in use.

1. Area Adjustments

Parcels which have an assessment determined by area and which have a portion of the parcel occupied by public or public utility uses separate from the entitled use and located in easements, prior to the multiplication by the dueF, shall have the area of the parcel adjusted to a usable area to reflect the loss or partial loss of the entitled use in those areas. This reduction shall not apply for normal peripheral and interior lot line public utility easements generally existing over the whole subdivision.

2. Compilation

Annually, about May 15, following the determination of the dwelling unit equivalent Factor (dueF) for all developed parcels and the determination of the list of developed parcels by APN for the next fiscal year, all single-family or duplex/triplex residential parcels shall have a dwelling unit equivalent (due) assigned to each parcel equal to the dueF for that parcel. For all parcels other than single-family or duplex/triplex residential parcels, the product of the dueF times the area or adjusted usable area of the parcel, as appropriate, shall be calculated and shall be the due assigned. For developed parcels, the sum of the due assigned to each single-family due for each other parcel shall equal the total due for the next fiscal year. The total amount of revenue required for the next fiscal year shall then be divided by the total due to calculate the assessment per due for the next fiscal year. Parcels defined as not developed for the purposes of determining the landscape maintenance assessments will

Engineer's Report Woodlake Meadow Zone 7 Page 4 of 6 December 6, 2004

all have a zero dueF and consequently a zero due and a zero assessment.

3. Allocation of Assessments

The assessment for wall maintenance for the next fiscal year shall then be set for each parcel as the product of the calculated dwelling unit equivalent (due) for each parcel, multiplied by the assessment per due for the next fiscal year.

METHOD OF ASSESSMENT SPREAD

In compliance with the provisions of Proposition 218, adding Article XIII D to the California Constitution, the benefits conferred on each parcel within the Lodi Consolidated Landscape Maintenance District No. 2003-1 are particular and distinct benefits (hereinafter "special benefits") over and above general benefits conferred on such property or to the public at large, in that the individual letter-designated zones in the District each represents a common unit to provide landscape, park, and related amenity maintenance, and monitored irrigation for the development of the property within the individual letter-designated zones in the District generally for residential and related urban uses. Benefits are determined to be 100% special benefits and 0% general benefits. Also, in keeping with the requirements of Proposition 218, no annual individual assessments shall be increased above the amounts assessed under the established criteria for each zone for the preceding fiscal year without an election approval.

The base objective of the assessment spread is to distribute costs in accordance with the benefits received. Costs will be spread equally to each residential lot as follows:

1. Lots 1-5 in Woodlake Meadow shall be assessed equally per their dueF for the estimated costs of maintenance for the fiscal year 2004-2005.

ANNUAL ESCALATION

The maximum assessment amount for each fiscal year shall be increased in an amount equal to the greater of: 1) five percent (5.0%), or 2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for All Urban Consumers, as developed by the U.S. Bureau of Labor Statistics for a similar period of time.

ADMINISTRATION

It is intended that the City of Lodi, either directly or by subcontract, shall have the responsibility to establish an ongoing Landscape Maintenance Management entity to be known as the Landscape Maintenance District Manager which shall be responsible to establish the annual budget, keep an accounting of the maintenance and operational administrative costs, administer and perform the landscape maintenance either directly or by subcontract, pay all fees, utility costs, taxes, and any and all other operating costs.

ESTIMATE OF COSTS

Engineer's Report Woodlake Meadow Zone 7 Page 5 of 6 December 6, 2004

The location and size of a park serving these subdivisions has not yet been determined. The estimated costs are for public amenity maintenance only. All improvements will be installed at no cost to the Landscape Maintenance Assessment District. The assessment will not be levied until needed, upon development and City acceptance of the improvements.

Items considered in the maintenance cost include, but are not limited to: Water for plants and trees, weeding, pruning, mowing, replacement of plants and trees that may die, maintenance of pavement and sidewalks, and maintaining and replacing all sprinkler lines and heads.

The annual costs estimated to be collected with the 2004-2005 taxes for the developed areas are as follows:

OPERATION OF COSTS	FY 2004-05 ESTIMATED ASSESSMENT	FY 2004-05 MAXIMUM ASSESSMENT
Future Park Site	\$0.00	\$500.00
Est. Subtotal Operation Costs	\$0.00	\$500.00
DISTRICT ADMINISTRATION COSTS		
Annual Engineer's Report	\$100.00	\$100.00
Publication	\$100.00	\$100.00
City Administration Fee	\$50.00	\$50.00
County Administration Fee	<u>\$15.00</u>	<u>\$15.00</u>
Est. Total Administration Costs	\$265.00	\$265.00
Est. Contingency	\$100.00	\$100.00
Total Estimated Revenue Required for 2004-2005 Fiscal Year	\$365.00	\$865.00
Total Appropriation Required from Existing Fund Balance	\$0.00	\$0.00
Total Estimated Assessment for 2004-2005 Fiscal Year	\$365.00	\$865.00

Engineer's Report Woodlake Meadow Zone 7 Page 6 of 6 December 6, 2004

OPERATION OF COSTS	FY 2004-05 ESTIMATED ASSESSMENT	FY 2004-05 MAXIMUM <u>ASSESSMENT</u>
Total dueF	5	5
Assessment per dueF	\$73.00	\$173.00
MAXIMUM ANNUAL ASSESSMEN	T	\$173.00

ASSESSMENT ROLL

The assessment roll for the fiscal year 2004-2005 is as follows:

Assess- ment No.	APN No.	Future Lot Nos.	Owner	No. of dueF's	FY 2004-05 Estimated Assessment	FY 2004-05 Maximum Assessment
1	015-230-09	1-5	Woodlake Meadow, LLC	5	\$365.00	\$865.00
Total				5	\$365.00	\$865.00

The parcels in this subdivision are expected to subdivide upon and subsequent to the formation of Zone 7. The proposed subdivision will yield approximately 5 dueF's (residential lots) and will have a proposed assessment roll, based on the above criteria and budget, as set forth in Exhibit A.

THOMPSON-HYSELL ENGINEERS

Engineer of Work

Michael T. Persak

RCE 44908

EXHIBIT A

ASSESSMENT ROLL

WOODLAKE MEADOW ZONE 7

LODI CONSOLIDATED LANDSCAPE MAINTENANCE

ASSESSMENT DISTRICT NO. 2003-1

(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)
CITY OF LODI, CA

DIAGRAM NUMBER	COUNTY ASSESSOR NUMBER	UNIT NO.	LOT NO.	FY 2004-05 ESTIMATED ASSESSMENT	FY 2004-05 MAXIMUM ASSESSMENT
1	015-230-09	Woodlake Meadow	Lot No. 1	\$73.00	\$173.00
2	015-230-09	Woodlake Meadow	Lot No. 2	\$73.00	\$173.00
3	015-230-09	Woodlake Meadow	Lot No. 3	\$73.00	\$173.00
4	015-230-09	Woodlake Meadow	Lot No. 4	\$73.00	\$173.00
5	015-230-09	Woodlake Meadow	Lot No. 5	\$73.00	\$173.00
			TOTAL	\$365.00	\$865.00





